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CONVEY RFK STADIUM TO THE DISTRICT

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HEARING AND MARKUPS

BEFORE THE

SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

AND THE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

COMPLETED

NINETY-NINTH CONGRESS

FIRST SESSION

ON

H.R. 2639

TO AMEND THE DISTRICT OF COLUMBIA STADIUM ACT OF 1957 TO DIRECT THE SECRETARY OF THE INTERIOR TO CONVEY TITLE TO THE ROBERT F. KENNEDY MEMORIAL STADIUM TO THE DISTRICT OF COLUMBIA

JUNE 13 AND 18, 1985

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HEARING ON H.R. 2639

THURSDAY, JUNE 13, 1985

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, DC.

The subcommittee met, pursuant to call, at 10:30 a.m., in room 1310, Longworth House Office Building, Hon. Walter E. Fauntroy (chairman of the subcommittee) presiding.

Present: Representatives Fauntroy, Dellums, Parris, and McKinney.

Also present: Donn G. Davis, senior legislative associate; Dietra L. Gerald, senior staff assistant; Julius Hobson, Jr., staff assistant; John Gnorski, minority staff director; and Mark Robertson, minority staff assistant.

Mr. FAUNTROY. The subcommittee will come to order.

Today the Subcommittee on Fiscal Affairs and Health will consider H.R. 2639, a bill to amend the District of Columbia Stadium Act of 1957, to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia.

H.R. 2639 is, hopefully, the final step necessary to implement the recommendations of the Presidential Task Force on the District of Columbia, made in 1977.

It further reflects the view that the local government should own and control purely local facilities within its jurisdiction.

Construction of the stadium was authorized by the District of Columbia Act of 1957. In 1960, the District of Columbia Armory Board issued 20-year revenue bonds at an annual interest rate of 4.2 percent, which was to be payable on December 1979. RFK Stadium was constructed in 1961 at a cost of $19.8 million.

Plans for the stadium predicted that revenues earned would be sufficient to cover the operating and maintenance costs. The Stadium Act provided that the District government would advance funds if the principal and interest payments could not be met due to insufficient revenue and the District would be reimbursed for any of the advanced amounts.

As it turned out, stadium revenue was never enough to meet the annual interest payments or to redeem the bonds. The District, through its annual budget, became the main source for interest payments, totaling approximately $128 million and nothing was paid on the principal until fiscal year 1978.

The Presidential Task Force on the District of Columbia addressed the issue of repayment of the RFK Stadium bonds during

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its deliberations in the spring of 1977. The task force included Members of Congress, city and Federal representatives, and was chaired by the Vice President.

An understanding was reached by the participants which provided a three-point plan regarding the stadium. First, the $19.8 million principal would be jointly funded by the District and Federal governments.

Second, the District would absorb the $12.8 million advanced for interest payments on the bonds.

Third, title to the stadium and associated land areas would be transferred to the District upon redemption of the bonds.

Thus, although the stadium was not intended to be the District's financial responsibility, the District agreed to the task force plan to insure redemption of the bonds. A total of $19.8 million was appropriated in the District of Columbia Appropriations Acts for fiscal years 1978 and 1979, and all bonds were redeemed as originally contracted for on December 1, 1979.

During the 97th Congress, the Subcommittee on Government Operations and Metropolitan Affairs of this committee considered H.R. 6697, a bill to transfer RFK Stadium from the U.S. Department of the Interior to the District of Columbia. That bill was favorably reported to the full committee.

However, due to uncertainty in the language of H.R. 6697, two new bills were later introduced: H.R. 7062, which made clear that parking lots adjacent to the stadium would also be transferred, and H.R. 7195, which made sale or reuse of the stadium by the District subject to approval of the National Capital Planning Commission.

During the 98th Congress, the Subcommittee on Fiscal Affairs and Health considered H.R. 3425, a bill to transfer RFK Stadium from the Department of the Interior to the District. Following a hearing and markup at the subcommittee level, the Committee on the District of Columbia reported H.R. 3425 (H. Rept. 98-301), as amended, to the House on July 20, 1983.

On July 25, 1983, the bill passed the House, as amended, by voice vote. It was sent to the Senate on July 26, 1983, and referred to the Committee on Governmental Affairs. No further action was taken.

At the beginning of the 99th Congress, H.R. 104 was introduced. Following discussions and meetings involving the National Park Service, National Capital Region, District of Columbia government officials and committee staff, a revised bill, H.R. 2639, was introduced.

This bill has the support of the District of Columbia government and the U.S. Department of the Interior.

I would like to include in the record a letter from the Mayor of the District of Columbia, dated April 16, 1985, and a letter from the U.S. Department of the Interior, dated May 23, 1985.

[The letters follow:]

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, May 23, 1985.

Hon. WALTER E. FAUNTROY,
Chairman, Subcommittee on Fiscal Affairs and Health, Committee on the District of Columbia, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request of May 6, 1985, for our views on H.R. 104, a bill "To amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey to the government of the District of Colum-

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bia all right, title, and interest to the Robert F. Kennedy Memorial Stadium vested in the United States." H.R. 104 is similar to H.R. 3425, legislation that was passed by the House of Representatives during the 98th Congress.

We recommend enactment of H.R. 104, if amended as suggested below.

The District of Columbia Stadium Act of 1957, as amended, authorized the D.C. Armory Board to construct, operate, and maintain the stadium now known as the Robert F. Kennedy Memorial Stadium in Washington, D.C. The Act authorized and directed the Secretary of the Interior (Secretary) to acquire certain real property on East Capitol Street, and to contract with the Armory Board for the construction, maintenance, and operation of the stadium, including parking on the East Capitol Street site. The Act also authorized and directed the Secretary to construct parking facilities locations referred to on a National Park Service map.

Section 7 of the Act, as amended, further provided that, after payment of the bonds issued by the Board to finance the stadium construction and payment of the interest, or after establishment of a sufficient sinking fund for that purpose, but in any event no later than 50 years from September 7, 1957, title to the stadium should be vested in the U.S. Government.

The stadium bonds and interest have been paid in full, and the stadium is now owned by the Federal Government under the administrative jurisdiction of the National Park Service, pursuant to section 7 of the Act of 1957. We have a current contract with the Armory Board whereby the Board operates the stadium. We also have a cooperative agreement with the Board under which the United States Park Police provide law enforcement, security and traffic management services on a reimbursable basis. H.R. 104, if enacted, would amend the 1957 Act to direct the Secretary of the Interior to convey the stadium to the government of the District of Columbia, subject to terms and conditions to insure its use as a stadium, for open space, and for other public purposes.

We recommend that H.R. 104 be amended to change the definition of the term "Stadium" to include any of the parking areas designated as A, B, C, D, or E on the map referred to in the District of Columbia Stadium Act. This would make it clear that authority to transfer the stadium would include transfer of these parking areas to the government of the District of Columbia as well. Area F on the attached map would be retained by the Department of the Interior as part of the open space system of the Nation's Capital.

To accomplish this, and to make other technical corrections, we recommend the following amendments:

1. On page 2, line 14 strike "property was used prior to January 1, 1983" and insert "property was approved for use prior to June 1, 1985".

This amendment would provide flexibility to continue or allow proposed uses that are consistent with the intent of the legislation but were started or proposed after January 1, 1983.

2. On page 2, line 20, after the word "not," insert ", in the judgment of the Secretary,".

This amendment would make it clear that the Secretary of the Interior shall determine whether the terms and conditions of the conveyance have been met.

3. On page 3, line 23, add "or" between "D," and "E"; delete", or F"; and before the word "Map", insert "A Revised".

This amendment would describe the actual parcels of land that will be transferred more accurately. Furthermore, a revised map has been prepared that clarifies what actually would be transferred.

4. On page 3, line 24, delete the word "partially"; delete line 25; and on page 4, delete lines 1 and 2; and add the following new phrase: "prepared jointly by the National Park Service, National Capital Region, and the District of Columbia, Department of Public Works, for site development and dated March 1985 (NPS drawing number 831/87284) after "property of any kind" "

This amendment would update the map reference.

A copy of the map which indicates those areas to be transferred is enclosed. Since some of the areas to be transferred are not used currently for parking, the National Park Service has advised the District of Columbia Department of Public Works that the legend on the map should be changed to "A-E Stadium Property" rather than "A-E Stadium Parking Use", as shown.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. CRAIG POTTER,
Acting Assistant Secretary.

Enclosure

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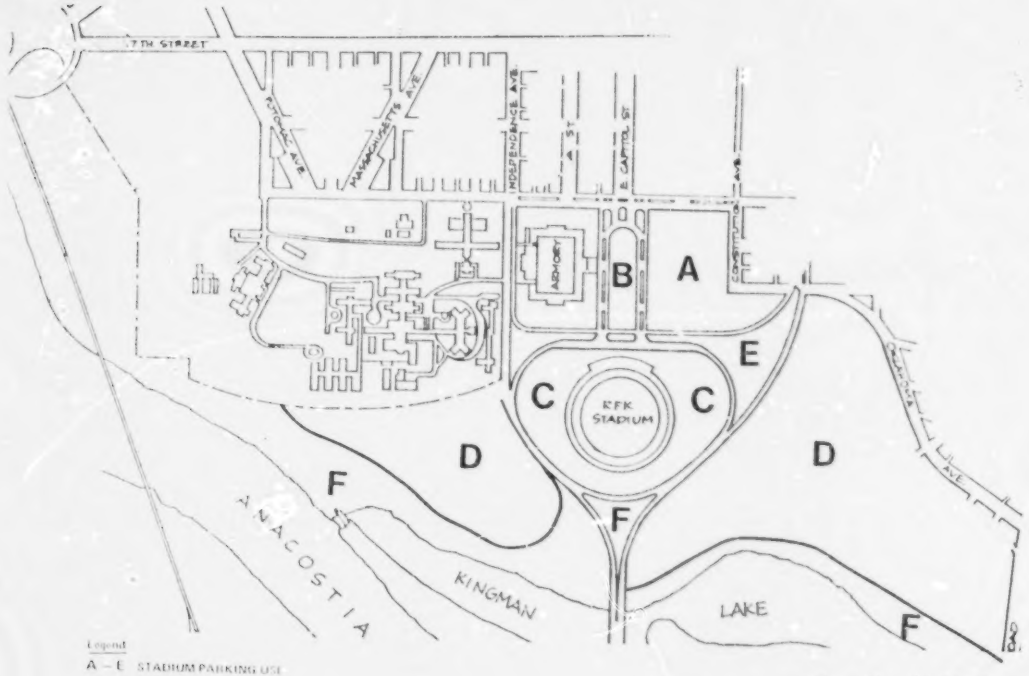
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THE DISTRICT OF COLUMBIA,
Washington, DC, April 16, 1985.

Hon. WALTER FAUNTROY,
Chairman, Subcommittee on Fiscal Affairs and Health, House Committee on the District of Columbia, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN FAUNTROY: Thank you for your letter and enclosures of March 11, relating to markup of H.R. 104, legislation to transfer title of RFK Stadium from the United States to the District of Columbia. I am pleased to know that the full Committee may complete consideration of the bill soon so that it will be possible for the full House to schedule the bill on the earliest possible District Day. As you know, establishing clear title to RFK is very important to Washington's bid for a major league baseball team.

The District of Columbia's position on this legislation has not changed since the Deputy Mayor for Economic Development testified in 1983 on HR 3425, similarly conveying title to RFK. Title conveyance represents another step in full implementation of the Home Rule Act by allowing facilities which have been paid for largely with local funds to be transferred to and operated by the District of Columbia. It also is a matter of simple equity and fairness for the District. As you know, the District paid a considerable amount of the construction costs of RFK Stadium.

The District makes the following suggestions in light of events since consideration of the 98th Congress' version of the transfer bill:

(1) On page 2, line 14 of H.R. 104, delete "January 1, 1983", and replace that date with "June 1, 1985". We recommend that the committee report include language making clear the agreements between the National Park Service, National Capital Region, and the District over authority to allow construction of a primary water treatment "swirl" facility on land currently designated as Stadium parking.

(2) On page 3, starting on line 22, reference to a 1959 National Park Service map of the Stadium and surrounding areas should be replaced with reference to a new map recently worked out with the NPS and designated with the appropriate NPS Reference Number. Section F of this map will remain under the jurisdiction of the NPS and in accordance with our mutual agreement and Section 4(f) of the DOT Act, allow construction of a park road linking the Southwest Freeway with East Capitol Street and Stadium parking lots.

(3) We also believe it would be helpful to make sure that the stadium itself is clearly understood to be within the areas on the map designated to be transferred to the District of Columbia.

Again, we appreciate the time and attention that you and your staff are giving this bill. If there is anything my staff can do to help you, I hope you will feel free to contact Pauline Schneider, Director, Office of Intergovernmental Relations at 727-6265.

Sincerely,

MARION BARRY, Jr., *Mayor.*

Mr. FAUNTROY. At this point, before proceeding with our brief hearing, may I yield to the distinguished ranking member, Mr. McKinney.

Mr. MCKINNEY. I have no statement, Mr. Chairman. You covered the entire situation very well.

Mr. FAUNTROY. Thank you.

If there are no further comments, may I ask that our first witness, Hon. David Clarke, chairman of the Council of the District of Columbia, come to the witness table.

STATEMENT OF DAVID CLARKE, CHAIRMAN, COUNCIL OF THE DISTRICT OF COLUMBIA

Mr. FAUNTROY. It is a real pleasure to greet you.

Mr. CLARKE. Thank you very much, Mr. Chairman, members of the subcommittee, Chairman Dellums.

I appreciate very much the opportunity to be here as chairman of the Council of the District of Columbia, and to submit this statement in support of H.R. 2639, which transfers title of the Robert F.

Kennedy Stadium from the U.S. Government to the government of the District of Columbia.

My statement includes support for the modification of the "map to designate transfer of stadium and parking lots to the District," which has resulted from negotiations between the District of Columbia Department of Public Works and the National Park Service and which is contained in section 2 of the bill.

The Robert F. Kennedy Stadium was constructed in 1961 pursuant to the District of Columbia Stadium Act of 1957 (Public Law 85-300). The act provided for the stadium construction to be financed by revenue bonds issued by the armory board.

I believe that you have more thoroughly than my testimony gone through the history, and I will just, if it is OK with you, eliminate that portion of my testimony and leave it for the record.

I support H.R. 2639 because the District of Columbia government has been financing the operations and maintenance of the stadium and has been responsible for retiring the majority of the stadium's long-term debt.

Moreover, the matter of ownership and operation of the stadium is most properly a local issue.

I appreciate the opportunity to state my position on the RFK Stadium transfer issue—a similar position to that which was presented to this subcommittee on my behalf in 1983.

Mr. FAUNTROY. Thank you, Mr. Chairman.

[The prepared statement of Mr. Clarke follows:]

STATEMENT OF DAVID A. CLARKE, CHAIRMAN, COUNCIL OF THE DISTRICT OF COLUMBIA

Mr. Chairman, and other members of the Subcommittee on Fiscal Affairs and Health, as chairman of the Council of the District of Columbia, I am submitting this statement in support of H.R. 2639, which transfers title of the Robert F. Kennedy Stadium from the United States Government to the government of the District of Columbia. My statement includes support for the modification of the "map to designate transfer of stadium and parking lots to the District" which has resulted from negotiations between the District of Columbia Department of Public Works and the National Park Service and which is contained in section 2 of the bill.

The Robert F. Kennedy Stadium was constructed in 1961 pursuant to the District of Columbia Stadium Act of 1957 (P.L. 85-300). The act provided for the stadium construction to be financed by revenue bonds issued by the Armory Board. $19.8 million in revenue bonds were issued by the armory board at an interest rate of 4.2 percent to finance the stadium construction.

The District's assumption of the stadium debt was an outgrowth of a 1977 Presidential Task Force on the District of Columbia whose recommendations included a way to resolve the stadium financing issue. The task force recommended that the District and Federal Government would share the responsibility for funding the $19.9 million principal on the stadium bonds—approximately $10 million each—and the District would absorb the nearly $13 million it had paid for interest on the bonds.

The task force also recommended that title to the stadium would be transferred to the District of Columbia government. In the District of Columbia's appropriations bill for fiscal years 1978 and 1979 the U.S. Congress took action to retire the stadium's outstanding bonds in accordance with the recommendations of the task force. Today title to the stadium is held—free and clear—by the United States Government and the transfer of the title to the District of Columbia government would essentially fulfill the recommendations of the Presidential task force.

In conclusion, I support H.R. 2639 because the District of Columbia government has been financing the operations and maintenance of the stadium and has been responsible for retiring the majority of the stadium's long-term debt. Moreover, the matter of ownership and operation of the stadium is most properly a local issue.

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I appreciate the opportunity to state my position on the RFK Stadium transfer issue—a similar position to that which was presented to this subcommittee on my behalf in 1983.

Mr. FAUNTROY. We have been over this issue for many years now and, quite frankly, I have exhausted any questions I may have of you at this point on this question.

If there are questions which other members of the committee should like to tender to Mr. Clarke, we will entertain them now.

Mr. Parris.

Mr. PARRIS. Thank you, Mr. Fauntroy.

Mr. Clarke, I would like to take a moment to express my hope that RFK would soon have a baseball team. I assume that would be consistent with your point of view.

Mr. CLARKE. Yes, sir; we have argued long and hard for the transfer of the stadium, even before the renewed hopes of a baseball team coming to Washington.

In order to procure the baseball team for the city, the passage of this act would be essential.

Mr. PARRIS. The Washington Senators have been 34 games behind the division leaders in 24 of their 36 seasons here, but in spite of that sordid record, there is a tidal wave of support for bringing baseball back.

And the chairman of the subcommittee, myself, Mr. Wolf, Mr. Barnes, and Mr. Hoyer signed letters asking individuals to invest in the trust funds for season ticket purchases and so forth, and it is going very well, I am told.

I would like to throw one other thought out, and I am not prepared to make this in the form of legislation yet, Mr. Chairman.

It occurred to me if you can get the old proverbial story about getting the attention of the donkey by hitting him across the head with a 2 by 4, in my usual confrontational mode, I have been seriously thinking about introducing legislation that would eliminate baseball's exemption to antitrust laws. Right off, that might get their attention.

If, in fact, that would tend to focus their attention on lack of professional baseball in the District of Columbia, I submit to you it is perhaps something we ought to kick around the cloakroom one day.

Mr. FAUNTROY. We will be very happy to come over to that cloakroom and include Mr. Horton of New York, who is a very strong supporter of that, and himself mentioned that as an option to me from time to time.

Being a nonconfrontational person myself, I would not threaten the league with that, but if you insist, I might be persuaded to change my lifestyle.

Mr. PARRIS. Lots of ways to skin a cat.

Mr. CLARKE. Let me express the gratitude of those of us in the District of Columbia for the support of the congressional delegations in the area, as well as local governments in the area, in what has become a regional approach to bringing baseball back to the District of Columbia.

We have a residency law in the District of Columbia and have had many discussions on this issue, but we have made exceptions for purposes of our commission on baseball. We have representa-

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tives of Maryland and Virginia on there. We have from your area John Hazel, and I have just submitted to the council, and the committee of the whole approved, and I hope the council will approve on Tuesday, my nomination of Jack Herrity to serve as a member of that commission.

So it is a regional approach, and we are just pleased to work with you and have you work with us on the development of this project.

Mr. PARRIS. One other brief question, Mr. Chairman.

My impression, Mr. Clarke, is that the Senate did not take action on this matter back in 1983 because of some concern about the operation and maintenance being retained by the authority of the D.C. Armory Board or something. There was some talk, perhaps Mr. Cooke might want to take over those functions in his quest for a franchise.

Does the council have a position on maintenance?

Mr. CLARKE. We have a formalized position of record.

I can say that there is considerable respect within the District of Columbia government for the notion that the stadium belongs to the people, and that interest has to be protected with respect to it.

At this point in time—and I don't know that further thought wouldn't produce another answer—but at this point in time, we would think that an operation, a structure for its maintenance, would be identical to the armory board that now controls it.

Mr. PARRIS. But if that was an important consideration by the Senate, and I am informed it was, reliably informed----

Mr. CLARKE. We appreciate Mr. Cooke's vivid interest in bringing a baseball team to the District of Columbia

He is not alone in that interest. There are others who have that interest, and we will, if this legislation passes, we will obviously have to deal with whoever it is that the baseball owners determine has the franchise.

I am sure the operation and maintenance of the stadium can be done in such a way as to satisfy both the baseball franchise owner and the people of the District of Columbia to whom we are responsible.

Mr. FAUNTROY. I thank you, Mr. Clarke. We appreciate your time and patience.

May I call Ms. Pauline A. Schneider, director of the office of intergovernmental relations.

It is a real pleasure to have you with us as well.

STATEMENT OF PAULINE A. SCHNEIDER, DIRECTOR, OFFICE OF INTERGOVERNMENTAL RELATIONS, EXECUTIVE OFFICE OF THE MAYOR, DISTRICT OF COLUMBIA, ACCOMPANIED BY GARY A. BURCH, CHIEF, DESIGN AND ENGINEERING, D.C. DEPARTMENT OF PUBLIC WORKS

Ms. SCHNEIDER. Good morning. With me this morning at the table is Gary Burch, chief of design and engineering in our department of public works, who can answer any technical questions.

You covered very well in your opening statement the historical development of this legislation and the facts which led to the conclusion that title of this stadium should be transferred to the District of Columbia.

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I will submit my prepared statement for the record, but I would like to highlight a couple of items that I have included in my statement which have not been raised and are important.

In 1983, the House passed an earlier piece of legislation which would have accomplished the transfer of title for the stadium to the District of Columbia. In this more recent version, H.R. 2639, there are a couple minor changes which I think we might want to highlight.

First, there are changes which incorporate an agreed-upon plan between the District of Columbia and the National Park Service for the National Capital area, which will do several things.

One, it ensures that the Secretary of the Interior will be able to force the compliance with the public purpose intent of the legislation.

Two, we have incorporated a revised map that was prepared in March of this year to better designate the precise areas to be conveyed by this transfer legislation.

And, three, it changes the former legislation's reference date from July 1, 1983, to June 1, 1985, in terms of what prior purposes would have been approved.

This last change, Mr. Chairman, allows the District of Columbia to build a primary water treatment swirl facility in an area which will displace some existing parking, and also allow construction of a two-lane park road between the Southeast-Southwest Freeway, and East Capitol Street, and stadium, known as the Barney Circle Freeway project.

This road was negotiated and agreed upon between the District of Columbia and the National Park Service and will allow the public to have access to the recreational area along the Anacostia River waterfront.

I would also like to emphasize, we think that transfer of this title is essential if the District of Columbia is going to get a baseball team.

The owners will be meeting in August this year out in California, the middle of August, and we would hope that the Congress of the United States would have approved this transfer legislation prior to the time that the owners meet.

Thank you.

[The prepared statement of Ms. Schneider follows:]

TESTIMONY OF PAULINE A. SCHNEIDER, DIRECTOR, D.C. OFFICE OF INTERGOVERNMENTAL RELATIONS

Mr. Chairman, and members of the committee, I appreciate the opportunity to present the position of the District of Columbia on legislation to transfer title for RFK Stadium to the District of Columbia. H.R. 2639 is virtually identical to H.R. 3425 which this committee reported and the fully House approved in July 1983. The District continues to fully support the legislation.

Congress authorized construction of RFK Stadium in 1957 with the District of Columbia Stadium Act. It was anticipated at that time that revenues generated by the stadium would be enough to pay for the interest on the $19.8 million in construction bonds, as well as the costs of operation and maintenance. However, expectations proved wrong and until 1977, the District of Columbia, without benefit of stadium revenues, paid $12.8 million in interest. Prior to 1977, the armory board, which has actual operating authority for RFK, paid $3.6 million in interest costs. The principal, as of 1977, was yet to be paid.

In 1977, a Presidential task force on the District of Columbia recommended that the District be required to absorb the $12.8 million in interest costs, and the respon-

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sibility for the $19.8 million in principal should be shared by the District and Federal Governments. The District's appropriations bills for fiscal years 1978 and 1979 included such payment. All together, the District made payments totaling nearly $23 million in principal and interest for RFK Stadium.

The Presidential task force, as a third element of their RFK proposal, and consistent with the original stadium act of 1957, envisioned transfer of the RFK title and associated land to the District once all bonds had been retired. H.R. 2639 accomplishes that.

Several minor changes have been made from earlier versions of this bill to incorporate plans agreed to out of our continuing cooperation with the National Park Service-National Capital Region [NPS-NCR]. Specifically, language has been added to strengthen the ability of the Secretary of the Interior to force compliance with the "public purposes" intent of the bill; a revised map has been prepared (NPS No. 831/87284) to better designate the precise areas to be conveyed; and the old bill's reference to January 1, 1983, as the cut off date for prior uses has been changed to June 1, 1985.

The last change accomplishes two purposes, Mr. Chairman. It allows the District of Columbia to build a primary water treatment "swirl" facility in an area that will displace existing parking. It will also allow construction of a two-lane park road between the Southeast-Southwest Freeway and East Capitol Street and stadium parking. This road, negotiated and agreed to by the District and NPS, will allow the public access to recreational facilities the Park service plans for the Anacostia River front area.

Mr. Chairman, establishing clear title to RFK is very important to Metropolitan Washington's efforts to bring baseball back to our area. While Washington is already high on the list of the many cities eager to acquire a new team or get a transfer team, we must be able to assure prospective teams that the stadium's ownership and operation is not confused. I cannot emphasize strongly enough that it is essential that the District of Columbia have clear title to the stadium if we are to get a baseball team in Washington, DC.

Finally, Mr. Chairman, the transfer of RFK is a matter of equity—the District of Columbia has paid for a majority of the costs of construction, financing and operation of the stadium. In addition, continuing Federal ownership of the stadium after 10 years of home rule is inconsistent with the premise of local ownership and control over local facilities for the District of Columbia.

In conclusion, the District supports H.R. 2639 transferring title to the District of Columbia. We hope the committee and the Congress as a whole will approve it quickly.

Mr. FAUNTROY. Thank you for the last comment, because that gives us a time frame within which I think it is reasonable that we act in both Houses on this matter.

Are there any questions of the witness?

Mr. PARRIS. Mr. Chairman, very quickly, this swirl facility, do I understand correctly that it will eliminate some of the existing parking, or is that a temporary situation?

Mrs. SCHNEIDER. It eliminates some existing parking but there was some additional parking provided from a property by the D.C. General Hospital.

Mr. PARRIS. I venture to guess—you know, parking is something slightly less than adequate at the moment.

Mrs. SCHNEIDER. Congressman, what has been achieved is that there will be no reduction in the number of parking slots.

There is a new section being added, and the lines will be repainted to achieve an equal number of parking spaces. We do promote mass transit in the city.

Mr. FAUNTROY. Would you convey the sentiments of the ranking member for the minority and the distinguished gentleman from Virginia that none of the members of the District Committee gets tickets to the games?

We are not at all bargaining or being confrontational, but we think the Mayor should be advised of this.

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Our final witness is a gentleman who has served our country and our Nation's Capital in a magnificent way for many, many years over at the National Capital Region of our National Park Service, Mr. Manus Fish, known to all of us affectionately as Jack Fish.

We look forward to your testimony at this time.

STATEMENT OF MANUS J. FISH, REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. FISH. Thank you, Mr. Chairman.

I don't have any tickets to the Redskins either.

Mr. FAUNTROY. We will take note of that as well.

Mr. FISH. Mr. Chairman, I would like to present my testimony for the record and perhaps I might summarize some of the more pertinent areas.

The stadium bonds and interest have been paid off, and the stadium is now owned by the U.S. Government pursuant to section 7. It is under the administrative jurisdiction of the National Park Service of the Department of the Interior.

We currently have a contract with the armory board whereby the board operates the stadium. We also have a cooperative agreement with the board under which we provide U.S. Park Police protection and some maintenance for the parking areas on a reimbursable basis.

H.R. 2639 would amend the act to direct the Secretary of the Interior, subject to terms and conditions to ensure its use for stadium, open space, and other public purposes, to convey the stadium to the government of the District of Columbia.

We would point out that the only public purpose that has been approved by the National Capital Planning Commission is the swirl concentrator designed to enhance water quality in the Anacostia River.

The bill also, in section 2, amends the definition of the term "stadium" to include in that term any of the existing paved parking areas. Thus it would be clear that authority to transfer the stadium would include transfer of these parking areas as well.

Area B, which is shown on the map referred to in the legislation, should also be included in this transfer with our concurrence as long as it is used for park purposes only and not for parking.

We therefore recommend a technical amendment to section 2 of H.R. 2639 to add area B to the properties to be transferred. Area F, as identified on the map, would be retained by the Department of the Interior as part of the open space system of the Nation's Capital to provide continuity of parklands of a minimum width of 200 feet along the Anacostia River waterfront.

We recommend enactment of H.R. 2639 because we feel it is appropriate that the District government have control over what is in fact a local facility.

Furthermore, our report on earlier legislation, H.R. 104, dated May 23, 1985, contained technical corrections to the original bill, which we note with appreciation have been incorporated into H.R. 2639.

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Mr. Chairman, this concludes our prepared remarks and I would be happy to answer any questions which you may have.

Mr. FAUNTROY. Thank you, Mr. Fish.

[The prepared statement of Mr. Fish follows:]

STATEMENT OF MANUS J. FISH, REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, we appreciate the opportunity to provide your committee with the views of the Department of the Interior on H.R. 2639.

The District of Columbia Stadium Act of 1957, as amended, authorized the D.C. Armory Board to construct, operate, and maintain the RFK Stadium. The act authorized and directed the Secretary of the Interior to acquire certain real property on East Capitol Street and to contract with the armory board for the construction, maintenance, and operation of the stadium, including parking, on the East Capitol Street site.

In addition, the act authorized and directed the Secretary of the Interior to construct parking facilities at specified locations.

Section 7 of the act, as amended, provides that after payment of the bonds issued by the armory board to finance the stadium construction, and interest, or after a sufficient sinking fund for that purpose is provided, but in any event no later than 50 years from September 7, 1957, title to the stadium shall vest in the United States.

The stadium bonds and interest have been paid off, and the stadium is now owned by the United States Government pursuant to section 7. It is under the administrative jurisdiction of the National Park Service of the Department of the Interior. We currently have a contract with the armory board whereby the board operates the stadium. We also have a cooperative agreement with the board under which we provide U.S. Park Police protection and some maintenance for the parking areas on a reimbursable basis.

H.R. 2639 would amend the act to direct the Secretary of the Interior, subject to terms and conditions to ensure its use for stadium, open space and other public purposes, to convey the stadium to the government of the District of Columbia. We would point out that the only public purpose that has been approved by the National Capital Planning Commission is the swirl concentrator designed to enhance water quality in the Anacostia River. The bill also, in section 2, amends the definition of the term "stadium" to include in that term any of the existing paved parking areas. Thus it would be clear that authority to transfer the stadium would include transfer of these parking areas as well. Area B, which is shown on the map referred to in the legislation, should also be included in this transfer with our concurrence as long as it is used for park purposes only and not for parking. We, therefore, recommend a technical amendment to section 2 of H.R. 2639 to add area B to the properties to be transferred. Area F, as identified on the map, would be retained by the Department of Interior as part of the open space system of the Nation's Capital to provide continuity of parklands of a minimum width of 200 feet along the Anacostia River waterfront.

We recommend enactment of H.R. 2639, because we feel it is appropriate that the District Government have control over what is in fact a local facility. Furthermore, our report on earlier legislation (H.R. 104) dated May 23, 1985, contained technical corrections to the original bill, which we note with appreciation have been incorporated into H.R. 2639.

Mr. Chairman, this concludes our prepared remarks and I would be happy to answer any questions which you may have.

Mr. FAUNTROY. It is true, is it not, that the District government did absorb the $12.8 million advanced for interest payments on the stadium issued to finance the building?

Mr. FISH. I'm sorry, Mr. Chairman, I am not familiar with that $12.8 million.

Mr. FAUNTROY. The fact that the interest had to be paid by the District government, and the District government did in fact absorb that interest payment without reference to its Federal Government?

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Mr. FISH. I believe that is correct, but I don't know that for a fact.

Mr. FAUNTROY. You know for a fact that the $19.8 million cost on the principal was in fact jointly shared by the District and the Federal Government to pay half?

Mr. FISH. Yes, sir.

Mr. FAUNTROY. Thank you.

Are there other questions of Mr. Fish?

Mr. PARRIS. Do I understand from your statement, Jack, that the area B that you talked about has now been included in the revised version of the bill consistent with your suggestion?

Mr. FISH. Yes, sir; it is the grass median strip in front of the armory.

Mr. FAUNTROY. Without objection, we will put the letter in as suggested by Mr. Fish.

[The map may be found on page 4.]

Mr. FAUNTROY. With that, we will call the hearing on H.R. 2639 to a close.

[Whereupon, at 11 a.m., the subcommittee proceeded to other business.]

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MARKUP OF H.R. 2639

THURSDAY, JUNE 13, 1985

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, DC.

The subcommittee met, pursuant to call, at 10:30 a.m., in room 1310, Rayburn House Office Building, Hon. Walter E. Fauntroy (chairman of the subcommittee) presiding.

Present: Representatives Fauntroy, Dellums, McKinney, and Parris.

Also present: Donn G. Davis, senior legislative associate; Dietra L. Gerald, senior staff assistant; Julius Hobson, Jr., staff assistant; John Gnorski, minority staff director; and Mark Robertson, minority staff assistant.

Mr. FAUNTROY. At this time, we convene for consideration of H.R. 2639, a bill to direct the Secretary of the Interior to convey title to the RFK Stadium to the District of Columbia.

Without objection, the bill will be considered as read and open for amendment at any time.

[The bill, H.R. 2639, follows:]

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99TH CONGRESS
1ST SESSION

H. R. 2639

To amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 1985

Mr. FAUNTROY introduced the following bill; which was referred to the Committee on the District of Columbia

---

A BILL

To amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF STADIUM

Section 7 of the District of Columbia Stadium Act of 1957 (D.C. Code, sec. 2-326) is amended—

(1) by inserting "(a)" after "SEC. 7."; and

(2) by inserting after subsection (a) the following new subsections:

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"(b) The Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') shall convey without consideration to the government of the District of Columbia all right, title, and interest of the United States in and to the stadium constructed under this Act.

"(c) The conveyance of real property under subsection (b) shall be subject to such terms and conditions (which shall be set forth in the instrument of conveyance) as will ensure that the property will be used only—

"(1) for stadium purposes,

"(2) for providing recreational facilities, open space, or public outdoor recreation opportunities, and

"(3) for such other public purposes for which the property was approved for use prior to June 1, 1985.

"(d)(1) The instrument of conveyance referred to in subsection (c) shall provide all right, title, and interest conveyed to the District of Columbia pursuant to such instrument shall revert to the United States if—

"(A) the terms and conditions referred to in subsection (c) have not been complied with, as determined by the Secretary, and

"(B) such noncompliance has not been corrected within ninety days after written notice of such noncompliance has been received by the Mayor of the District of Columbia.

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Such noncompliance shall be treated as corrected if the District of Columbia and the Secretary enter into an agreement, with the concurrence of the National Capital Planning Commission, which the Secretary considers adequate to ensure that the property will be used in a manner consistent with the purposes referred to in subsection (c).

"(2) No person may bring an action respecting a violation of any term or condition referred to in subsection (c) before the expiration of ninety days after the date on which such person has notified the Mayor of the District of Columbia of the alleged violation. The notice shall include notice of such person's intention to bring an action to declare a reversion under paragraph (1) of this subsection.

"(3) Any property which reverts to the Secretary under this subsection shall be administered by the Secretary as part of the Park System of the Nation's Capital in accordance with the provisions of the Act of August 25, 1916 (16 U.S.C. 1, 2–4), and other provisions of law generally applicable to units of the national park system.".

SEC. 2. TECHNICAL AMENDMENT.

Section 11 of the District of Columbia Stadium Act of 1957 (D.C. Code, sec. 2–330) is amended by inserting "including any motor vehicle parking area designated as area A, C, D, or E on the revised map entitled 'Map to Designate Transfer of Stadium and Parking Lots to the District', pre-

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pared jointly by the National Park Service (National Capital Region) and the District of Columbia Department of Public Works for site development and dated March 1985 (NPS drawing number 831/87284)," after "property of any kind".

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Mr. FAUNTROY. At this time, there are three amendments which I understand we have ready for consideration.

And I should like to offer for consideration first the amendment suggested by Mr. Fish in his testimony, a technical amendment, to be sure, and if members are provided with that amendment in section 2, line 23, we simply insert the letter "B" after the amount there, because the report language should state that no parking should be allowed in area B as well.

I think that amendment speaks for itself, and if there is any comment on it, I would be pleased to entertain that at this time.

If not, we will move the previous question.

Mr. MCKINNEY. I move the previous question.

Mr. FAUNTROY. All in favor, indicate by saying aye.

Opposed, no.

The ayes have it. So ordered.

The question now occurs on the technical amendment.

All those in favor indicate by saying aye.

Opposed, no.

The ayes have it. So ordered.

Mr. MCKINNEY. I have an amendment, Mr. Chairman.

Mr. FAUNTROY. The gentleman from Connecticut is recognized.

Mr. MCKINNEY. On page 2, line 9, after the word "that," insert the following: "to the property shall not be transferred by the government of the District of Columbia to any person or entity other than the United States and that." This amendment would add bill language which directs that the instrument of conveyance prepared by the Secretary of the Interior include terms and conditions which will insure that the title to the stadium property shall not be transferred to any individual or entity other than the United States. It places in bill language the exact statement of congressional intent that was included in the committee report which accompanied this legislation in the last Congress.

It states that should the District desire not to keep the stadium, it has to give it back to the U.S. Government.

Mr. FAUNTROY. I see. Any questions on the amendment offered by the gentleman from Connecticut? Did you have in mind any particular personal entity?

Mr. MCKINNEY. I can think of several.

Mr. FAUNTROY. The question occurs on the amendment offered by Mr. McKinney. All in favor of that amendment indicate by saying aye.

Opposed?

The ayes have it. So ordered.

Mr. McKinney has a second amendment.

Mr. MCKINNEY. On page 2, line 12, strike out the word "and," and on page 2, strike out lines 13 and 14, and insert in lieu thereof the following:

(3) for such other public purposes for which the property was used prior to June 1, 1985, and (4) for such other public purposes for which the property was approved for use by the Secretary with the concurrence for the National Capital Planning Commission prior to June 1, 1985.

This amendment clarifies what constitutes an approved use of stadium property. Previously, there was no indication to who was the final approval authority. The new language makes it clear that

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in order to be permitted, any proposed use must have obtained the approval of the Secretary of the Interior and the concurrence of the National Capital Planning Commission prior to June 1, 1985.

Mr. FAUNTROY. Mr. McKinney, I appreciate your concern about who should determine what the public purpose is, the public purpose to which the stadium might be put. I can't accept this amendment, because it is overly broad and far-reaching and limits the District of Columbia by its terms.

Mr. MCKINNEY. Counsel might want to comment.

Mr. GNORSKI. We have included the original wording of section 3, which permits any use for which the stadium was actually used prior to June 1, 1985.

The condition about getting National Capital Planning Commission concurrence and secretarial approval is only for approved uses prior to June 1. It would not apply to any future uses. Page 3, section B, addresses noncompliance, so any future use that has not been anticipated is already required to get the concurrence of the National Capital Planning Commission and the agreement of the Secretary of the Interior.

Mr. FAUNTROY. Since the old-timers' baseball games is not a public function, would it be prohibited?

Mr. GNORSKI. Not by this section.

Anything that it was used for prior to June 1 would be permissible.

Mr. FAUNTROY. What about some other sport like lacrosse which has been played in the stadium, or has never been played in the stadium. Would it be prohibited?

Mr. GNORSKI. If it constitutes a stadium purpose, I assume it would be permitted.

Mr. FAUNTROY. What about concerts?

Mr. GNORSKI. We have had concerts prior to June 1, so I would assume any concert would be permissible under the revised section 3.

Mr. FAUNTROY. So, future concerts would not be prohibited?

Mr. GNORSKI. No.

Ms. SCHNEIDER. What about a Boy Scout jamboree, something like that?

Mr. GNORSKI. If that was a legitimate recreational facility use, I assume it would be permitted, but the added language requiring concurrence of the National Capital Planning Commission only relates to approved uses, but not actual uses, and any future uses are either going to be covered under the previous use provision, or you would follow the procedure for getting the Secretary's concurrence as to whether or not it is noncompliance.

Ms. SCHNEIDER. Can we have an example of what would be covered by this language?

Mr. GNORSKI. What would be covered by the new section 4? Presumably, that language would probably be added to accomplish nothing but to allow the swirl facility. The swirl facility would not be permitted under the existing language—I am sorry, it would.

It does not designate who had to approve that swirl facility use prior to June 1.

Mr. FAUNTROY. Prior to June 1, who approved the concerts and the events?

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Mr. McKINNEY. The armory board.

Mr. FAUNTROY. Why do we want to divest the armory board of that?

Mr. GNORSKI. This does not divest the armory board of doing that.

Mr. FAUNTROY. Excuse me.

Mr. GNORSKI. Section C(3) of the current bill says for such other public purposes for which the property was approved for use prior to June 1. It does not say who granted that approval or at what level.

I guess stretching it, you could presumably say if the Mayor and Mr. Fish agreed to something, that might constitute approval. Our original intent was to clarify who approved.

Section 3 permitted any use that the stadium was actually used for—we no longer say that, so we have added a section that says anything it was used for prior to June 1, and for instances that it has not actually been used, if they have been approved by the Secretary of the Interior and concurred by NCPC, they are permitted, and that is not open ended.

That is only up to June 1.

Mr. DELLUMS. Might I ask counsel a question?

Assuming that each statement in the legislation is designed to achieve a particular purpose, let me ask the question a different way. What is it you are trying to prohibit by this language?

Mr. GNORSKI. Nothing. We are trying to clarify the fact that—if the original language was approved, was placed in the bill for the sole purpose of allowing the swirl water treatment facility to proceed, that project has been approved by NCPC, so clarifying who approves it has no impact on that whatsoever.

Mr. DELLUMS. One other observation, Mr. Chairman. If you look at 3, the proposed new language is broader, because in the legislation as printed, it says, approved for use prior to June 1, and this new language says, was used, so it is not approved so in that sense, 3, in the proposed amendment, may be even broader than language that is already in the bill.

Mr. GNORSKI. It definitely would be, but the new 3 is exactly the language that we had in the original bill. That will permit the use for anything that they have already used it for.

Mr. PARRIS. As I read this language, John, would you agree with the premise that under the language of the original draft bill, there is no precise authority for the use of this facility for public purposes for which the property was previously used?

Mr. GNORSKI. Yes, sir; that is correct.

Mr. PARRIS. What we are really doing, Mr. Chairman, if I might, we are saying if you had a tractor pull in the past that was, in fact, approved, then tractor pulls are great in the future. No place else in this bill does it say that.

Mr. GNORSKI. At that point, we would prohibit the construction of the swirl facility, because that has not actually been used, but it has been approved.

Mr. PARRIS. I submit that the purpose of the amendment is to broaden the approvals, not to restrict them.

Mr. FAUNTROY. Except that section 4 added, and not previously included in the bill, would seem to restrict it. Let me ask this ques-

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tion, under section 3, or under 3 as it is now included on line 13, is not the swirl pool permitted?

Mr. GNORSKI. Yes; I assume it would be, but the danger is that section 3 does not define the level of approvals, and we fear your colleagues may ask questions about what other things may have been approved that we don't know about, that someone is trying to sneak through.

Mr. FAUNTROY. Mr. Fish.

Mr. FISH. If I may, Mr. Chairman, as far as we see it, that provision responding to Mr. Dellums' point is to preclude structures, is to preclude schools to be built there, houses to be built there, or whatever, it is to provide in a positive way open space, and let it remain open space in the parking area, so we have never had any involvement with what the armory board approved for use of the stadium.

If they wanted to have the tractor pull or a Michael Jackson concert, we never got involved in that. As we see this section 3 or whatever, it is to preclude buildings in there, and to let that space remain open.

Mr. FAUNTROY. That is line 13, you are saying?

Mr. FISH. Yes, sir.

Mr. FAUNTROY. For such other purposes?

Mr. FISH. And as Mr. McKinney amended it, that is fine, too, because the Planning Commission and the Secretary would get involved.

If, for example, swirl concentrator 1 doesn't work, and they need swirl concentrator No. 2, then the Secretary and the Planning Commission would get involved in approving swirl concentrator No. 2 if there were to be one.

Mr. MCKINNEY. What is a swirl concentrator?

Mr. FISH. It is to help clean up the sewage effluent before it goes into the river.

Mr. DELLUMS. Mr. Chairman? I appreciate the comments by Mr. Fish, because I think his comments make a major step toward clarification. We want to know whether or not this language is designed to preserve the environmental integrity or whether it is designed to control activity, and the problem is that we are talking about both. I would like to know whether—and it seems to me that the author of the amendment ought to, for the purposes of establishing competent legislative history, ought to tell us whether or not this language, because you say very specifically here, the new language makes it clear that in order to be permitted, any use must have obtained the approval of the Secretary of the Interior and the concurrence of the National Capital Planning Commission prior to June 1, 1985.

Some people here are saying, does that mean that other activity that was previously approved by the armory board now would, on a technical basis, be precluded because it wasn't approved. Then, other people like Mr. Fish are saying what we are really talking about is preserving open space in the environment.

Mr. MCKINNEY. Integrity of the area. What we really ought to do is to have staff very clearly put in the report language that I do not intend by this amendment to in any way limit the activities for public use of the stadium.

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That stadium, de facto, has been controlled by the armory and as long as it is used for public purpose, being renting it out for a sing along, who cares?

We are talking about simply the environmental situation of, should someone want to build a new building, or dig up the grass and put tar down instead of grass, that kind of thing, that, I think clearly is of great interest to Interior and the National Capital Planning Commission.

Mr. FAUNTROY. That would adequately resolve our concerns here, so that we will have staff draft report language to clarify that for us.

Ms. SCHNEIDER. Mr. Chairman, may I ask a question, please? If I read this amendment correctly, however, even if there were the need to make some changes in the future as this legislation is currently written, it would require an amendment to the legislation, is that correct?

For instance, if the swirl concentrator needed to be enlarged or enhanced, it would require coming back to this committee and having the legislation amended?

Mr. MCKINNEY. I don't believe so. I think that both the Secretary and the National Capital Planning Commission could sign off on that and obviously, what it is, the city is the one that is going to have to propose it, because I assume that the city owns swirl concentrators, but whatever.

I think we could make it even more clear. In other words, we can make it very clear that for any—in our report language, that we determined whomever the city makes an arrangement to run the activities of RFK Stadium, that in no way is any language in this bill limiting their right to decide. And you know, we could get into a problem, which I see further down the line of some kind of a political rally, say, that 50 percent of the people want it, and 50 percent of the people didn't want, all kinds of garbage about how the Secretary of the Interior would have to approve or override.

So, let's put in the report language that if the city continues the armory board, or they could set up a stadium board, whatever they want to have, that is their business, nobody is going to interfere with it.

We clarify two things. No. 1, the amendment is speaking to the environmental aspect, and No. 2, to further clarify the whole bill in the report language by stating that we are not in any way expecting any entity except the one contracted with by the city to determine what takes place inside that stadium.

Mr. PARRIS. I was with you until you said that the contracting agency could do anything it wanted, and that is going too far.

Mr. MCKINNEY. For public purposes.

Mr. PARRIS. Oh, yes. I think the municipal government of the District of Columbia needs to make that decision.

Mr. MCKINNEY. All right.

Mr. FAUNTROY. That is better. Let me suggest, if the gentleman would withdraw his amendment and we include report language, that would clarify this question.

Mr. MCKINNEY. If the Chair would yield, I think that we have a problem. We really need to, in statutory language, get this clarification in, but I will ask unanimous consent to withdraw the

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amendment in subcommittee markup with the full understanding that the staff put heads and ears together, commiserate together around the Paris peace table and come up with something acceptable to all, which will be honored and produced in the full committee markup.

Mr. FAUNTROY. Without objection, so ordered, and the amendment is withdrawn pending the understanding just stated by the gentleman from Connecticut. Are there other amendments?

Inasmuch as there are none, hearing no other amendments, the Chair will entertain a motion by the distinguished chairman of the full committee.

Mr. DELLUMS. Mr. Chairman, I move that the bill, H.R. 2639, be approved as amended.

Mr. FAUNTROY. You have heard the motion.

All in favor, say aye.

Opposed?

The ayes have it, so ordered. The measure as amended is reported to the full committee for favorable consideration.

Let me say that it was necessary to cancel the hearing and markup schedule today on H.R. 2640 because there were vast differences in the information the Federal agencies and the District of Columbia government was prepared to bring to the subcommittee.

This information is of such a factually conflicting nature that it would not be in any way of assistance to the subcommittee in reaching a decision on this matter.

The Federal Government's representative, the General Services Administration, was not prepared to give any recognition of the—or to the equity interests of the District of Columbia in the Employment Services Building.

This information is inconsistent with testimony during the 98th Congress that the subcommittee received, indicating that the District of Columbia government purchased the land and in 1961 conveyed it to the United States at no cost, to allow for construction of the building.

I intend to convene a meeting of all parties involved immediately to resolve those issues, and asking that the subcommittee be prepared to meet next month for a hearing and markup, and I expect the Federal Government will participate in good faith, and the District of Columbia government in resolving these differences.

With that, the Subcommittee on Fiscal Affairs and Health is called to a close.

[Whereupon, at 11:25 a.m., the subcommittee was adjourned.]

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MARKUP OF H.R. 2776, A CLEAN BILL FOR H.R. 2639 AS AMENDED, WHICH AMENDS THE DISTRICT OF COLUMBIA STADIUM ACT OF 1957 TO DIRECT THE SECRETARY OF THE INTERIOR TO TRANSFER TO THE GOVERNMENT OF THE DISTRICT OF COLUMBIA ALL RIGHT, TITLE, AND INTEREST TO THE ROBERT F. KENNEDY MEMORIAL STADIUM VESTED IN THE UNITED STATES

TUESDAY, JUNE 18, 1985

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, DC.

The committee met, pursuant to call, at 9:45 a.m., in room 1310, Longworth House Office Building, Hon. Ronald V. Dellums (chairman of the full committee) presiding.

Present: Representatives Dellums, Fauntroy, Stark, Dymally, Wheat, and McKinney.

Also present: Edward C. Sylvester, Jr., staff director; Dietra L. Gerald, senior staff assistant; Donn Davis, senior legislative associate; Julius Hobson, Jr., staff assistant; Donald M. Temple, senior staff counsel; Robert Brauer, staff assistant; John Gnorski, minority staff director; and Ronald Hamm, minority staff assistant.

[The bill, H.R. 2776, follows:]

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99TH CONGRESS
1ST SESSION

H. R. 2776

To amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1985

Mr. FAUNTROY (for himself and Mr. MCKINNEY) introduced the following bill; which was referred to the Committee on the District of Columbia

---

A BILL

To amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF STADIUM.

Section 7 of the District of Columbia Stadium Act of 1957 (D.C. Code, sec. 2–326) is amended—

(1) by inserting "(a)" after "SEC. 7."; and

(2) by imserting after subsection (a) the following new subsections:

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"(b) The Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') shall convey without consideration to the government of the District of Columbia all right, title, and interest of the United States in and to the stadium constructed under this Act.

"(c) The conveyance of real property under subsection (b) shall be subject to such terms and conditions (which shall be set forth in the instrument of conveyance) as will ensure that title to the property shall not be transferred by the District to any person or entity other than the United States and that the property will be used only—

"(1) for stadium purposes;

"(2) for providing recreational facilities, open space, or public outdoor recreation opportunities;

"(3) for such other public purposes for which the property was used prior to June 1, 1985; and

"(4) for such other public purposes for which the property was approved for use by the Secretary with the concurrence of the National Capital Planning Commission prior to June 1, 1985.

"(d)(1) The instrument of conveyance referred to in subsection (c) shall provide that all right, title, and interest conveyed to the District of Columbia pursuant to such instrument shall revert to the United States if—

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"(A) the terms and conditions referred to in subsection (c) have not been complied with, as determined by the Secretary, and

"(B) such noncompliance has not been corrected within ninety days after written notice of such noncompliance has been received by the Mayor of the District of Columbia.

Such noncompliance shall be treated as corrected if the District of Columbia and the Secretary enter into an agreement, with the concurrence of the National Capital Planning Commission, which the Secretary considers adequate to ensure that the property will be used in a manner consistent with the purposes referred to in subsection (c).

"(2) No person may bring an action respecting a violation of any term or condition referred to in subsection (c) before the expiration of ninety days after the date on which such person has notified the Mayor of the District of Columbia of the alleged violation. The notice shall include notice of such person's intention to bring an action to declare a reversion under paragraph (1) of this subsection.

"(3) Any property which reverts to the Secretary under this subsection shall be administered by the Secretary as part of the Park System of the Nation's Capital in accordance with the provisions of the Act of August 25, 1916 (16 U.S.C.

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1, 2–4), and other provisions of law generally applicable to units of the national park system.".

SEC. 2. TECHNICAL AMENDMENT.

Section 11 of the District of Columbia Stadium Act of 1957 (D.C. Code, sec. 2–330) is amended by inserting "(including any area designated A, B, C, D, or E on the revised map entitled 'Map to Designate Transfer of Stadium and Parking Lots to the District', prepared jointly by the National Park Service (National Capital Region) and the District of Columbia Department of Public Works for site development and dated March 1985 (NPS drawing number 831/87284))," after "property of any kind".

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The CHAIRMAN. Before we go into the business before the full committee this morning, the Chair would like to welcome our distinguished, newest member of the committee, Alan Wheat, and we deeply appreciate your desire to serve on the committee, and we appreciate your participation in the committee, and the Chair will yield to the gentleman for such time as he may consume.

Mr. WHEAT. Thank you, Mr. Chairman. I appreciate the honor of being able to serve on the District of Columbia Committee, and I hope, as the years go by, to provide the kind of service that this committee, the District of Columbia has come to expect from those outstanding members who have already served, as the chairman has.

The CHAIRMAN. I thank my colleague. Mr. McKinney.

Mr. MCKINNEY. We even promise we will get him a proper nameplate one of these days.

The CHAIRMAN. The gentleman from California.

Mr. DYMALLY. Mr. Chairman, I want to join in welcoming the gentleman from Kansas. He is making it possible for me to sit down here without falling off the chair.

The CHAIRMAN. I thank my colleague. The gentleman from Washington, DC.

Mr. FAUNTROY. I certainly want to welcome the distinguished gentleman from Kansas, who has been a tremendous supporter of the District of Columbia altogether and who, as the catcher for the Democrats' team, has a special interest in what we do here today.

The CHAIRMAN. The time of the gentleman has expired.

Today, the full committee will consider the bill, H.R. 2639, a bill to amend the District of Columbia Stadium Act of 1957, to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia. Clean bill, H.R. 2776, has been introduced following subcommittee markup and technical amendments to the bill.

The bill before us, the stadium transfer bill, is the result of agreements reached in 1977 by the Presidential Task Force on the District of Columbia. This was a bipartisan task force that was chaired by the Vice President and included Members of both Houses of Congress, the Mayor and Federal representatives.

It should be noted that the stadium was constructed on the initiative of the Federal Government in 1964. At that time, the taxpayers in the District had no voice in the matter.

There were three parts to the 1977 agreement regarding the stadium. First, that the $19.8 million needed to redeem the stadium bonds would be paid half by the Federal Government and half by the District of Columbia.

Second, the District of Columbia government would absorb the $12.8 million which it had paid for interest payments on the bonds. And, third, that the title to the stadium and associated land would be transferred to the District upon redemption of the bonds. In addition, the District had already paid all operating losses since the stadium was built in 1964.

In accordance with this agreement, the committee reported a similar stadium transfer bill and the House passed it by unanimous voice vote in the last Congress. The Senate did not act upon the measure in the last Congress.

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It is merely coincidental that this bill comes before the House District Committee at a time when the city is gearing up to bid for a baseball team. I believe most members of the committee wish the city well in its endeavor, however, I stress that the origin of this bill is a Federal commitment made in 1977 to transfer the title of the stadium.

The Chair now recognizes my distinguished ranking minority member, the gentleman from Connecticut, Mr. McKinney, the ranking minority member, for such time as the gentleman may consume to make whatever statement the gentleman believes appropriate at this time.

Mr. MCKINNEY. Mr. Chairman, you have covered it absolutely completely so, therefore, I really have nothing to add except I think we should have been able to get this done in the last Congress. Let's get it done in this one. The only part that baseball has to play with it is, let's get it done before the league meets in its concave.

The CHAIRMAN. The time of the gentleman has expired. The Chair would now recognize the gentleman from the District of Columbia, the chairman of the subcommittee to report a clean bill and to move for its adoption.

Mr. FAUNTROY. Thank you, Mr. Chairman.

On Thursday, June 13, the Subcommittee on Fiscal Affairs and Health held a hearing and markup of H.R. 2639, a bill, as you pointed out, to amend the District of Columbia Stadium Act of 1957, to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia.

This legislation is the final step necessary to implement the recommendations of the Presidential Task Force on the District of Columbia, made in 1977. It further reflects the view that the local government should own and control purely local facilities within its jurisdiction.

During the subcommittee markup, two amendments were adopted. The first amendment, at the request of the Interior Department, added area B among those areas to be transferred to the District of Columbia government.

The second amendment, offered by the ranking minority member, Mr. McKinney, prohibits the transfer of the title to the stadium to any entity other than the United States.

A third amendment, offered by Mr. McKinney, was withdrawn.

At the close of the markup, I directed the subcommittee staff to make necessary technical and conforming changes to the bill.

H.R. 2776, a clean bill, is the result of that work. The bill was introduced on Monday, June 17, 1985 by myself with Mr. McKinney as cosponsor.

Mr. Chairman, this legislation is supported by the Department of the Interior and the District of Columbia government. No testimony was heard, or received, in opposition to this bill.

Therefore, Mr. Chairman, I move that the Committee on the District of Columbia favorably report H.R. 2776 to the House.

Mr. STARK. If the gentleman would yield.

The CHAIRMAN. The gentleman from California.

Mr. STARK. It was my understanding that there was an amendment to be offered, I thought by the gentleman from Connecticut,

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talking about reserve parking spaces for members of the District Committee, and I didn't know whether that had been overlooked, but other than that——

Mr. MCKINNEY. I'll save you a place in front of my house. I'm only a block away from the subway.

The CHAIRMAN. Is there a second to the motion?

Mr. DYMALLY. Second.

The CHAIRMAN. It's been moved and seconded. All in favor of the motion, signify by saying aye.

[Chorus of ayes.]

The CHAIRMAN. All opposed?

[No response.]

The CHAIRMAN. The ayes have it. The motion carries. Clean bill, H.R. 2776, is favorably reported by the full committee. Is there any additional business to come before the full committee at this time.

Mr. MCKINNEY. I would just like the record to show, Mr. Chairman, that by proxy, both Mr. Bliley and Mr. Parris voted for the same.

The CHAIRMAN. I thank the gentleman and, in the same regard, the Chair would indicate that the Chair has proxies from Mr. Barnes, Mr. Mazzoli, and Mr. Gray. If there is no further business to come before the full committee, the full committee stands in adjournment, and I thank my colleagues for their participation this morning.

[Whereupon, at 9:56 a.m., the committee was adjourned.]

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